



County of Los Angeles CHIEF EXECUTIVE OFFICE

713 KENNETH HAHN HALL OF ADMINISTRATION
LOS ANGELES, CALIFORNIA 90012
(213) 974-1101
<http://ceo.lacounty.gov>

WILLIAM T FUJIOKA
Chief Executive Officer

October 2, 2007

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**DEPARTMENT OF PUBLIC WORKS: RESOLUTION OF SUMMARY VACATION
STORM DRAIN EASEMENT WEST OF BALDY VISTA AVENUE - GLENDORA
(SUPERVISORIAL DISTRICT 5)
(3 VOTES)**

IT IS RECOMMENDED THAT YOUR BOARD:

1. Find that these actions are categorically exempt from the provisions of the California Environmental Quality Act.
2. Find that:
 - a. The storm drain easement west of Baldy Vista Avenue is no longer required for public use and that it may, therefore, be vacated under the authority of Section 5400 of the California Health and Safety Code.
 - b. The storm drain easement west of Baldy Vista Avenue has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation and that it may, therefore, be vacated pursuant to Section 8333(a) of the California Streets and Highways Code.
 - c. The storm drain easement west of Baldy Vista Avenue is no longer needed for present or prospective public use.
3. Adopt the Resolution of Summary Vacation.

Board of Supervisors
GLORIA MOLINA
First District

YVONNE B. BURKE
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended actions is to vacate the storm drain easement west of Baldy Vista Avenue (Easement), since it no longer serves the purpose for which it was dedicated and is not required for public use.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs that we provide Fiscal Responsibility (Goal 4). The Department of Public Works is recommending vacation of the Easement pursuant to a settlement agreement with private property owners. The settlement promotes fiscal responsibility by limiting the County's exposure and reducing litigation costs. In addition, the vacation of the Easement will reduce the County's possible future exposure to liability.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

The vacation processing fee was waived since this action is a result of a County-initiated project. The waiver of the fee was authorized by your Board in a resolution adopted May 4, 1982, Synopsis 62 (Fee Schedule), and as prescribed in Section 8321 (f) of the California Streets and Highways Code.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The area to be vacated contains approximately 13,454 square feet and is shown on the map attached to the resolution. A natural watercourse exists within the easement which has not been improved by the County. No storm drain was ever placed within the easement, although water is discharged into the natural watercourse from a storm drain that is owned and operated by the Los Angeles County Flood Control District.

The Streets and Highways Code Section 8333 provides "The legislative body of a local agency may summarily vacate a public service easement in any of the following cases: (a) The easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation." Streets and Highways Code Section 8306 defines "public service easements" to include storm drain easements. Section 5400 of the Health and Safety Code provides that a County Board of Supervisors may vacate an easement for sewage or drainage purposes whenever it determines the easement is no longer required for public use.

The vacation of the Easement will also comply with the settlement agreement with Mr. and Mrs. William Siminske, pursuant to which the County agreed to process the vacation, subject to approval by your Board. The Siminskes own one of the properties along the natural watercourse at 441 Baldy Vista Avenue, in the City of Glendora. They sued the County, claiming that the natural watercourse has caused erosion to occur on their property. Although the County vigorously denies liability for the damages to the Siminskes' property, we agreed to the settlement in order to avoid the costs and risks associated with trial.

The County's interest in the easement was acquired in 1954 by dedication in Tract No. 19570, recorded in Book 504, pages 38 and 39, of Maps, in the office of the Registrar-Recorder/County Clerk of the County of Los Angeles, as an easement for storm drain purposes.

Adoption of the attached resolution will terminate the County's right and interest in the easement. Your action will result in the properties being unencumbered of the easement, and available to the property owners for use without restriction of the easement; however, the use of the property may still be restricted due to the presence of an existing natural watercourse. All of the property owners whose property is encumbered by the easement have been notified of the proposed vacation.

ENVIRONMENTAL DOCUMENTATION

These actions are categorically exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Sections 15305 and 15321 of the State CEQA Guidelines.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

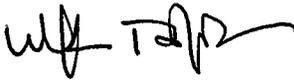
These actions will comply with the settlement agreement negotiated with the Siminskes.

The Honorable Board of Supervisors
October 2, 2007
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CONCLUSION

Please return one adopted copy of this letter and one original and one copy of the resolution to the Department of Public Works, Mapping & Property Management Division. Retain one original for your files.

Respectfully submitted,



WILLIAM T FUJIOKA
Chief Executive Officer

WTF:DLW
PAP:JLS:mr

Attachment (1)

c: County Counsel

**RESOLUTION OF SUMMARY VACATION
STORM DRAIN EASEMENT WEST OF BALDY VISTA AVENUE**

THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES
HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

1. The County of Los Angeles is the holder of an easement for storm drain purposes (hereinafter referred to as the Easement) in, over, and across the real properties legally described in Exhibit A and depicted on Exhibit B, both attached hereto. The Easement, west of Baldy Vista Avenue, is generally located in the vicinity of Glendora in the County of Los Angeles, State of California.
2. The Easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation.
3. The Easement is no longer needed for present or prospective public use.
4. There are no in-place public utility facilities that are in use and would be affected by the vacation of the Easement.
5. The Easement is hereby vacated pursuant to Section 5400 of the Health and Safety Code, State of California, and Chapter 4, Part 3, Division 9, of the Streets and Highways Code, State of California, commencing with Section 8330.
6. Public Works is authorized to record the certified original Resolution in the office of the Registrar-Recorder/County Clerk of the County of Los Angeles, at which time the Easement shall no longer constitute a public easement.
7. From and after the date this Resolution is recorded, the Easement no longer constitutes a street, highway, or public service easement.

The foregoing Resolution was on the _____ day of _____, 2007, adopted by the Board of Supervisors of the County of Los Angeles, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

APPROVED AS TO FORM:

RAYMOND G. FORTNER, JR.,
County Counsel

SACHI A. HAMAI
Executive Officer of the
Board of Supervisors of the
County of Los Angeles

By Julia C. Weisman
Deputy

By _____
Deputy

EXHIBIT A

**STORM DRAIN WEST OF
BALDY VISTA AVENUE**

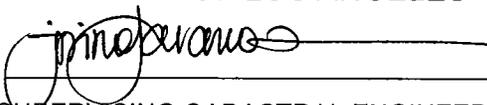
A.I.N. 8625-023
T.G. 569-B4
I.M. 159-317
R.D. 518
S.D. 5
ML06083G

LEGAL DESCRIPTION
(Vacation of Easement)

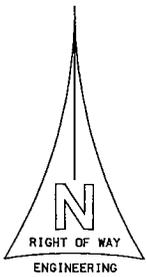
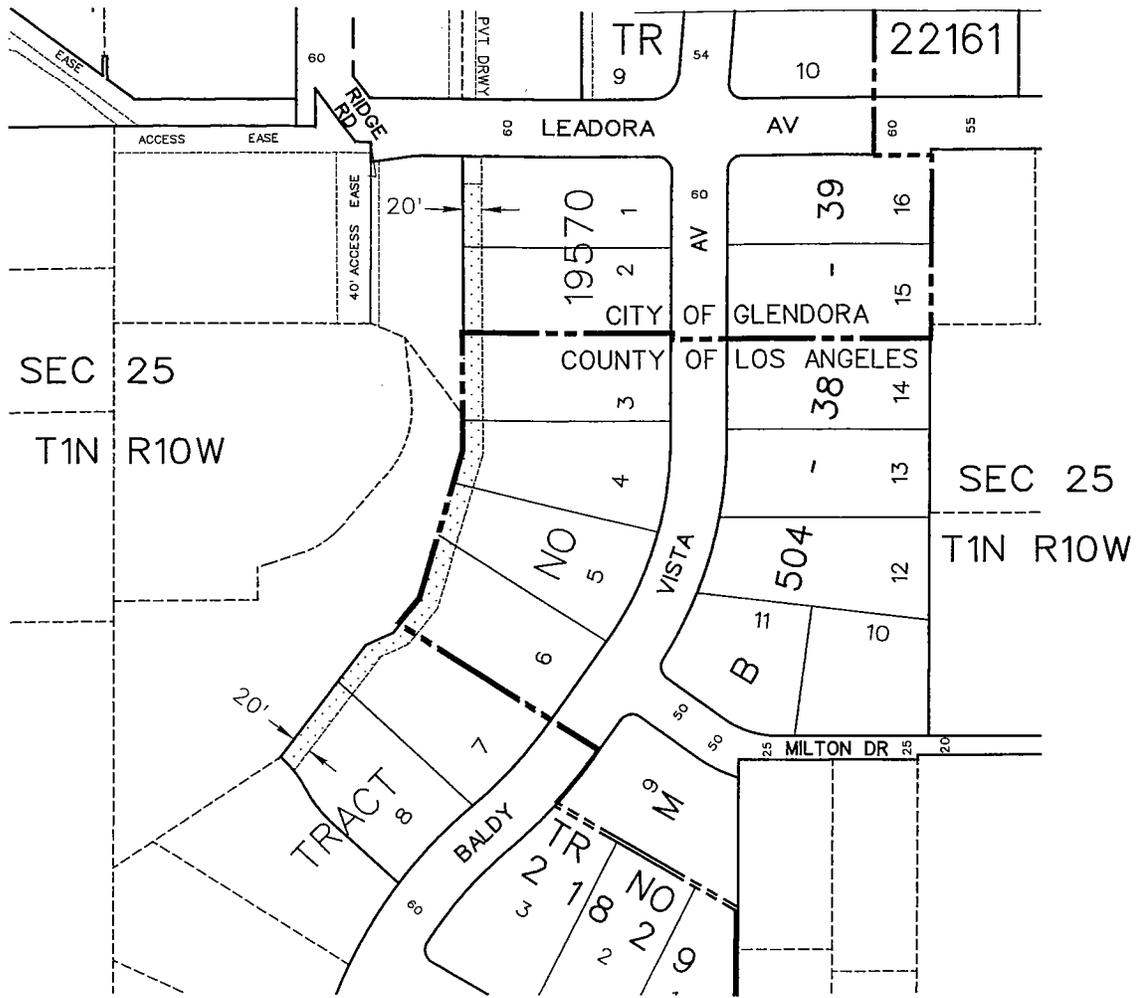
Those portions of Lots 1 through 8, inclusive, Tract No. 19570, as shown on map recorded in Book 504, pages 38 and 39, of Maps, in the office of the Registrar-Recorder/County Clerk of the County of Los Angeles, shown and designated as "...20' STORM DRAIN EASEMENT TO THE COUNTY OF LOS ANGELES", on said map.

EXCEPTING therefrom that portion lying within the northerly 29 feet of said Lot 1.

Containing: 13,454± square feet.

APPROVED AS TO DESCRIPTION	
August 22, 2007	
COUNTY OF LOS ANGELES	
By	
SUPERVISING CADASTRAL ENGINEER III Mapping and Property Management Division	

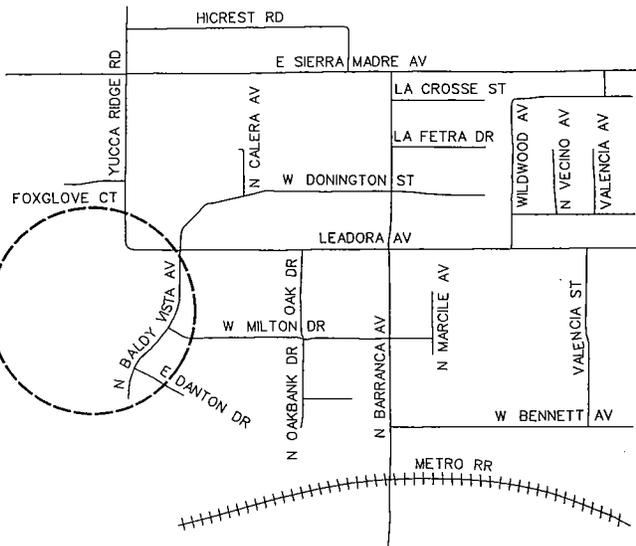
This real property description has been prepared in conformance with the Professional Land Surveyors Act. The signatory herein is exempt pursuant to Section 8726 of the California Business and Professions Code.



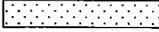
**SUBJECT
LOCATION**

Note: Portion of proposed
vacation is within
the City of Glendora

EXHIBIT B



LEGEND

 Proposed Storm Drain
Easement to be vacated
Total Area=13454± s.f.

REVISIONS

- | | | |
|----|----|----|
| 1. | 2. | 3. |
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DEPARTMENT OF PUBLIC WORKS

MAPPING & PROPERTY MANAGEMENT DIVISION

SD. 5	RD. 518	A.M.B. 8625-023	T.G. 569-B4
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**STORM DRAIN
W/O
BALDY VISTA AVENUE**

**DRAWING NO.
ML06083G**

SCALE NONE	DATE 12-06-06	I.M. 159-317
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